

Dec 28, 2022

SEAN F. MCVOY, CLERK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

No. 2:22-CR-00157-TOR-3

Plaintiff,

ORDER DENYING DEFENDANT'S
MOTION FOR FURLOUGH

v.

ECF No. 69

CURRY A PINKHAM,

Defendant.

On Wednesday, December 28, 2022, the Court conducted a hearing on

Defendant's Motion for Furlough (ECF No. 69). Defendant was represented by

court-appointed attorney Zachary Ayers. Assistant United States Attorney Michael

Ellis represented the United States. With Defendant's consent, Defendant

appeared by video from the Kittitas County Jail.

In the past, this Court has permitted furloughs, but only with strict conditions that the defendant (1) was accompanied by two armed, off-duty law enforcement officers and (2) was placed in full restraints for the duration of the furlough. *See, e.g.*, Case # 1:16-CR-02073-LRS-1, ECF No. 84 ¶¶ 3, 5.

In the present case, Defendant has asked for the Court to grant his furlough under the supervision of the United States Marshals Service ("USMS"). However, USMS supervision is only applicable when a defendant is in federal custody, and a

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defendant who is released on furlough is by definition no longer in custody. Thus, as a preliminary matter, the Court finds that it lacks the jurisdiction necessary to order USMS to supervise a defendant on furlough. Therefore, Defendant must present the Court with a furlough plan that includes, at minimum, both full shackles and the accompaniment of at least two armed, off-duty law enforcement officers.¹

Accordingly, IT IS ORDERED:

1. Defendant's Motion for Furlough (**ECF No. 69**) is **DENIED**.
2. Defendant shall be held in detention pending disposition of this case
until further order of the Court.

IT IS SO ORDERED.

DATED December 28, 2022.



Alexander C. Ekstrom

ALEXANDER C. EKSTROM

UNITED STATES MAGISTRATE JUDGE

¹ The Court wishes neither to give Defendant false hope, nor to issue an order that could be construed as an advisory opinion. That being said, the Court notes that due to the nature of the underlying charges and Defendant's criminal record, the submission of a release plan that meets the requirements described above would still present the Court with a challenging case for furlough.